

MINUTES

MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By **CHAIRMAN EDWARD BUTCHER**, on March 27, 2003 at 3:02 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Edward Butcher, Chairman (R)
Sen. Duane Grimes, Vice Chairman (R)
Sen. Sherm Anderson (R)
Sen. Vicki Cocchiarella (D)
Sen. Mike Cooney (D)
Sen. Aubyn Curtiss (R)
Sen. Bob DePratu (R)
Sen. Dan Harrington (D)
Sen. Sam Kitzenberg (R)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)
Sen. Glenn Roush (D)

Members Excused: None.

Members Absent: None.

Staff Present: Pat Murdo, Legislative Branch
Roberta Opel, Committee Secretary

Video-taped Committee: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. A video-taped recording of the meeting is available from the Montana Historical Society.

Committee Business Summary:

Hearing & Date Posted: HB 419, 3/27/2003
Executive Action: HB 419, HB 105, HB 189, HB 591

Discussion on HB 105

3:03pm Begin

3:06pm End

3 min Elapsed time

Note: Amendments to HB 105 were distributed to the committee by legislative staffer, Pat Murdo.

Motion: Motion by SEN. VICKI COCCHIARELLA to adopt AMENDMENT HB010504.apm. **EXHIBIT**(his65a01)

Discussion:

3:10pm Begin

Vote: Motion to adopt AMENDMENT HB010504.apm carried unanimously.

Motion: Motion by SEN. SHERM ANDERSON to adopt AMENDMENT HB010506.apm. **EXHIBIT**(his65a02)

Discussion:

3:12pm Begin

Motion: Motion by SEN. ANDERSON to withdraw motion to adopt AMENDMENT HB010506.apm.

Motion: Motion by SEN. JERRY O"NELL to adopt AMENDMENT HB010507.apm. **EXHIBIT**(his65a03)

Discussion:

3:15pm Begin

3:17pm End

2 min Elapsed time

Motion: Motion by VICE CHAIRMAN DUANE GRIMES to segregate amendments to HB 105.

Substitute Motion: Motion by VICE CHAIRMAN GRIMES to suspend action on HB 105 and proceed to the hearing on HB 419.

HEARING ON HB 419

Opening Statement by Sponsor: REP. JEFF LASZLOFFY, HD 22, Laurel, presented HB 419 to the committee; to revise Montana train whistle statutes. **EXHIBIT(his65a04)**

Proponents' Testimony:

3:24pm Leo Berry, representing Burlington Northern-Santa Fe Railroad (BNSF)

3:26pm Craig A. Gilchrist, engineer, BNSF

3:28pm Gary Shanks, representing his Havre neighborhood

3:33pm Dr. Ray Nelson, representing "the people"

EXHIBIT(his65a05) EXHIBIT(his65a06) and EXHIBIT(his65a07) and EXHIBIT(his65a08)

3:36pm Mike Halligan, representing Washington Corporation

EXHIBIT(his65a09)

3:37pm Ray Miller, representing himself

Opponents' Testimony:

3:39pm Al Smith, MT. Trial Lawyer's Association (MTLA)

EXHIBIT(his65a10)

Questions from Committee Members and Responses:

3:46pm Begin

Informational Witnesses and Testimony:

3:47pm Pat Keim, Burlington Northern-Santa Fe Railroad

Closing by Sponsor:

3:48pm REP. JEFF LASZLOFFY closed the hearing on HB 419.

EXECUTIVE ACTION ON HB 419

Motion: Motion by SEN. GRIMES HB 419 BE CONCURRED IN. Motion carried unanimously.

EXECUTIVE ACTION ON HB 105 (resumed)

Motion/Vote: Motion by SEN. GRIMES to adopt a conceptual amendment to strike sections 1 and 2 of the bill. Motion carried unanimously.

Motion/Vote: Motion by SEN. GRIMES HB 105 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 189

Motion: Motion by SEN. GRIMES HB 189 BE CONCURRED IN and moved AMENDMENT HB018901.apm. **EXHIBIT**(his65a11)

Vote: Motion to adopt AMENDMENT HB018901.apm carried 9-3 with SENATORS JERRY O'NEIL, AUBYN CURTISS and BOB DEPRATU voting no.

Motion/Vote: Motion by SEN. GRIMES HB 189 BE CONCURRED IN AS AMENDED. Motion failed 8-4 with SENATORS ANDERSON, COCCHIARELLA, CURTISS, DEPRATU, KITZENBERG, O'NEIL, ROUSH and GRIMES voting no.

Substitute Motion: Substitute motion by SEN. DEPRATU to INDEFINITELY POSTPONE HB 189.

Discussion on motion to INDEFINITELY POSTPONE HB 189

Motion: Motion by SEN. DEPRATU to withdraw motion to INDEFINITELY POSTPONE HB 189.

Motion: Motion by SEN. GRIMES HB 189 BE CONCURRED IN AS AMENDED.

Vote: Motion HB 189 BE CONCURRED IN AS AMENDED failed 9-4 on a roll call vote with SENATORS BUTCHER, COONEY, HARRINGTON and PEASE voting yes.

Motion: Motion by SEN. GRIMES to reverse the vote and INDEFINITELY POSTPONE HB 189.

EXECUTIVE ACTION ON HB 591

Motion/Vote: Motion by SEN. GRIMES HB 591 BE CONCURRED IN. Motion carried unanimously.

ADJOURNMENT

Adjournment: 4 P.M.

SEN. EDWARD BUTCHER, Chairman

ROBERTA OPEL, Secretary

EB/RO

EXHIBIT (his65aad)